

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

Moses Sandel,

★ MAY 23 2012 ★

Plaintiff,

BROOKLYN OFFICE

Civil Action No.:

2616

against

Enhanced Recovery Company, LLC,

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

PERSHON, J.

Defendant.

REYES, M.J.

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Plaintiff Moses Sandel ("Plaintiff" or "Sandel"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Enhanced Recovery Company, LLC ("Defendant" or "ERC"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Queens, residing at 7137 69th Place, Ridgewood, New York 11385.

3. Upon information and belief, the Defendant is a Delaware limited liability company with a principal place of business at 8014 Bayberry Road, Jacksonville, Florida 32256, and is authorized to do business in the State of New York.

4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").

9. On or about February 3, 2012, the Plaintiff sent a letter to the Defendant, requesting validation of the Alleged Debt.

10. Defendant failed to provide verification and validation information requested by the Plaintiff.

11. Defendant failed to report the Alleged Debt to the credit bureaus as disputed.

12. Said failures on the part of the Defendant are violations of the FDCPA, 15 U.S.C. Sec. 1692e(8), which prohibits a debt collector from communicating false credit information, "including the failure to state that a disputed debt is disputed."

13. As a result of the Defendant's deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "13" herein with the same force and effect as if the same were set forth at length herein.

15. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC Sec. 1692e(8).

16. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint for which the Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Moses Sandel demands judgment against the Defendant Enhanced Recovery Company, LLC, as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec. 1692k(2)(A):

- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
May 18, 2012

Respectfully submitted,

By: 

Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES

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